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1 A bill to be entitled

2 An act implementing the 2004-2005 General Appropriations

3 Act; providing legislative intent; providing accounting

4 requirements for the state universities for the 2004-2005

5 fiscal year; amending s. 216.292, F.S.; authorizing the

6 Department of Children and Family Services to transfer

7 funds within the family safety program; amending s.

8 561.121, F.S.; providing that moneys in the Children and

9 Adolescents Substance Abuse Trust Fund may also be used

10 for the purpose of funding programs directed at reducing

11 and eliminating substance abuse problems among adults;

12 providing for future repeal or expiration of various

13 provisions; amending s. 409.1671, F.S.; requiring that

14 funds for privatized foster care and related services be

15 allocated in accordance with a methodology adopted by the

16 Department of Children and Family Services by rule and

17 granting rulemaking authority for such purpose; providing

18 for lump sum funding in the Department of Children and

19 Family Services to provide for continuity of foster care

20 under certain circumstances; amending s. 394.908, F.S.;

21 providing for substance abuse and mental health funding

22 equity as provided in the General Appropriations Act;

23 amending s. 287.057, F.S.; authorizing the Department of

24 Children and Family Services to contract with a private

25 provider for a mental health treatment facility;

26 authorizing the Department of Corrections and Department

27 of Juvenile Justice to make certain expenditures to defray

28 costs incurred by a municipality or county as a result of

29 opening or operating a facility under authority of the

30 respective department; amending s. 216.262, F.S.;

31 providing for additional positions to operate additional

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prison bed capacity under certain circumstances;
 authorizing transfer of certain funds from the courts to
 the Justice Administrative Commission to meet certain
 shortfalls in due process appropriations; amending s.
 215.96, F.S.; requiring the Financial Management
 Information Board to provide certain policies, procedures,
 and processes for integration of central administrative
 and financial information systems; providing for an
 agreement between the Department of Agriculture and
 Consumer Services and the Department of Transportation for
 the construction of an agricultural interdiction station
 in Escambia County; amending s. 252.373, F.S.; providing
 for use of funds of the Emergency Management,
 Preparedness, and Assistance Trust Fund, including the use
 of certain funds as state matching funds for federally
 approved Hazard Mitigation Grant Program projects;
 amending s. 411.01, F.S.; providing priority for placement
 of children in the school readiness program; amending s.
 320.08058, F.S.; authorizing proceeds from the
 Professional Sports Development Trust Fund to be used for
 operational expenses of the Florida Sports Foundation and
 financial support of the Sunshine State Games; amending s.
 339.08, F.S.; transferring funds from the State
 Transportation Trust Fund to the General Revenue Fund;
 reducing the amount transferred from certain
 transportation calculation requirements; amending s.
 287.057, F.S.; exempting certain voter education
 activities from competitive-solicitation requirements;
 amending s. 311.07, F.S.; continuing eligibility of
 seaport security infrastructure measures for funding by
 grant under the Florida Seaport Transportation and

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Economic Development Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer certain funds to align budget authority pursuant to redesign of the State Employees Group Health Insurance Program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2004-2005.

Section 2. In order to implement Specific Appropriations 32-36, 153-157, 159, and 160 of the 2004-2005 General Appropriations Act:

(1) Each university that has not made the transition, effective July 1, 2004, from the state accounting system (FLAIR)

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shall utilize the state accounting system for fiscal year 2004-
2005 but is not required to provide funds to the Department of
Financial Services for its utilization.

(2) Notwithstanding the provisions of ss. 216.181, 216.292,
and 1011.4105, Florida Statutes, and pursuant to s. 216.351,
Florida Statutes, funds appropriated or reappropriated to the
state universities in the 2004-2005 General Appropriations Act,
or any other act passed by the 2004 Legislature containing
appropriations, shall be distributed to each university according
to the 2004-2005 fiscal year operating budget approved by the
university board of trustees. Each university board of trustees
shall have authority to amend the operating budget as
circumstances warrant. The operating budget may utilize
traditional appropriation categories or it may consolidate the
appropriations into a special category appropriation account. The
Chief Financial Officer, upon the request of the university board
of trustees, shall record by journal transfer the distribution of
the appropriated funds and releases according to the approved
operating budget to the appropriation accounts established for
disbursement purposes for each university within the state
accounting system (FLAIR).

(3) Notwithstanding the provisions of ss. 216.181, 216.292,
and 1011.4105, Florida Statutes, and pursuant to s. 216.351,
Florida Statutes, each university board of trustees shall include
in an approved operating budget the revenue in trust funds
supported by student and other fees as well as the trust funds
within the Contracts, Grants, and Donations; Auxiliary
Enterprises; and Sponsored Research budget entities. The
university board of trustees shall have the authority to amend
the operating budget as circumstances warrant. The operating
budget may utilize traditional appropriation categories or it may

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consolidate the trust fund spending authority into a special
category appropriation account. The Chief Financial Officer, upon
the request of the university board of trustees, shall record the
distribution of the trust fund spending authority and releases
according to the approved operating budget to the appropriation
accounts established for disbursement purposes for each
university within the state accounting system (FLAIR).

(4) Notwithstanding those provisions of ss. 216.181,
216.292, and 1011.4105, Florida Statutes, which are inconsistent
with the provisions of this subsection and pursuant to s.
216.351, Florida Statutes, fixed capital outlay funds
appropriated or reappropriated in the 2004-2005 General
Appropriations Act, or any other act passed by the 2004
Legislature containing fixed capital outlay appropriations, for
universities that have made the transition, effective July 1,
2004, from the state accounting system (FLAIR) shall be
administered by the Department of Education and shall be
distributed to the universities as needed for projects based upon
estimated invoices to be paid during the following 30 days or as
required by bond documents. For undisbursed fixed capital outlay
appropriations from prior fiscal years for universities that have
made the transition, effective July 1, 2004, from the state
accounting system (FLAIR), the Executive Office of the Governor
and the Chief Financial Officer shall have authority to transfer
such undisbursed fixed capital outlay appropriations into
appropriations under the Department of Education for distribution
to the universities as needed for projects based on estimated
invoices to be paid during the following 30 days or as required
by bond documents. Expenditure of fixed capital outlay
appropriations shall be consistent with legislative policy and
intent.

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(5) This section expires July 1, 2005.

Section 3. In order to implement Specific Appropriations 303, 306, and 308 of the 2004-2005 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.--

(12) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, 2005 ~~2004~~.

Section 4. In order to implement Specific Appropriations 385 and 388 of the 2004-2005 General Appropriations Act, subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.--

(4) (a) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

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1. Twenty-seven and two-tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

2. The remainder of collections shall be credited to the General Revenue Fund.

(b) For the 2004-2005 ~~2003-2004~~ state fiscal year only, and notwithstanding the provisions of subparagraph (a)1., moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults. This paragraph expires July 1, 2005 ~~2004~~.

Section 5. In order to implement Specific Appropriation 301D of the 2004-2005 General Appropriations Act, subsection (7) of section 409.1671, Florida Statutes, as amended by section 27 of chapter 2003-399, Laws of Florida, is amended to read:

409.1671 Foster care and related services; privatization.--

(7) The department, in consultation with existing lead agencies, shall develop a proposal regarding the long-term use and structure of a statewide shared earnings program which addresses the financial risk to eligible lead community-based providers resulting from unanticipated caseload growth or from significant changes in client mixes or services eligible for federal reimbursement. The recommendations in the statewide proposal must also be available to entities of the department until the conversion to community-based care takes place. At a minimum, the proposal must allow for use of federal earnings received from child welfare programs, which earnings are

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determined by the department to be in excess of the amount appropriated in the General Appropriations Act, to be used for specific purposes. These purposes include, but are not limited to:

(a) Significant changes in the number or composition of clients eligible to receive services.

(b) Significant changes in the services that are eligible for reimbursement.

(c) Significant changes in the availability of federal funds.

(d) Shortfalls in state funds available for eligible or ineligible services.

(e) Significant changes in the mix of available funds.

(f) Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.

(g) Proposals to participate in optional Medicaid services or other federal grant opportunities.

(h) Appropriate incentive structures.

(i) Continuity of care in the event of lead agency failure, discontinuance of service, or financial misconduct.

The department shall further specify the necessary steps to ensure the financial integrity of these dollars and their continued availability on an ongoing basis. The final proposal shall be submitted to the Legislative Budget Commission for formal adoption before December 31, 2004 ~~2002~~. If the Legislative Budget Commission refuses to concur with the adoption of the proposal, the department shall present its proposal in the form of recommended legislation to the President of the Senate and the Speaker of the House of Representatives before the commencement of the next legislative session. For fiscal year 2003-2004 and

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annually thereafter, the department ~~of Children and Family~~
~~Services~~ may request in its legislative budget request, and the
Governor may recommend, the funding necessary to carry out
paragraph (i) from excess federal earnings. The General
Appropriations Act shall include any funds appropriated for this
purpose in a lump sum in the department ~~Administered Funds~~
~~Program~~, which funds constitute partial security for lead agency
contract performance. The department shall use this appropriation
to offset the need for a performance bond for that year after a
comparison of risk to the funds available. In no event shall this
performance bond exceed 2.5 percent of the annual contract value.
The department may separately require a bond to mitigate the
financial consequences of potential acts of malfeasance,
misfeasance, or criminal violations by the provider. Prior to the
release of any funds in the lump sum, the department shall submit
a detailed operational plan, which must identify the sources of
specific trust funds to be used. The release of the trust fund
shall be subject to the notice and review provisions of s.
216.177. However, the release shall not require approval of the
Legislative Budget Commission.

Section 6. The amendment of subsection (7) of section
409.1671, Florida Statutes, by this act shall expire on July 1,
2005, and the text of that subsection shall revert to that in
existence on June 30, 2004, except that any amendments to such
text enacted other than by this act shall be preserved and
continue to operate to the extent that such amendments are not
dependent upon the portions of such text which expire pursuant to
the provisions of this act.

Section 7. In order to implement Specific Appropriations
356-388 of the 2004-2005 General Appropriations Act, subsection
(8) of section 394.908, Florida Statutes, is amended to read:

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394.908 Substance abuse and mental health funding equity; distribution of appropriations.--In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) For fiscal year 2004-2005 ~~2003-2004~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This subsection expires July 1, 2005 ~~2004~~.

Section 8. In order to implement Specific Appropriations 436-445 of the 2004-2005 General Appropriations Act, subsection (14) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--

(14) (a) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or

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contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to s. 287.057(5) (a) and (c) may not be renewed.

(b) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 20 years, with a private provider to finance, design, and construct a treatment facility, as defined in s. 394.455, of at least 200 beds and to operate all aspects of daily operations within the treatment facility. The selected contractor is authorized to sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the treatment facility. The Department of Children and Family Services shall begin the implementation of this privatization initiative by January 1, 2005. This paragraph expires July 1, 2005.

Section 9. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 667, 681, 693, and 1138 of the 2004-2005 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by

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the municipality or by the county if the facility is located in
the unincorporated portion of the county. This section expires
July 1, 2005.

Section 10. In order to implement Specific Appropriations
655-751 and 781-794 of the 2004-2005 General Appropriations Act,
subsection (4) of section 216.262, Florida Statutes, is amended
to read:

216.262 Authorized positions.--

(4) Notwithstanding the provisions of this chapter on
increasing the number of authorized positions, and for the 2004-
2005 ~~2003-2004~~ fiscal year only, if the actual inmate population
of the Department of Corrections exceeds the inmate population
projections of the February 16, 2004 ~~July 9, 2003~~, Criminal
Justice Estimating Conference by 1 percent for 2 consecutive
months or 2 percent for any month, the Executive Office of the
Governor, with the approval of the Legislative Budget Commission,
shall immediately notify the Criminal Justice Estimating
Conference, which shall convene as soon as possible to revise the
estimates. The Department of Corrections may then submit a budget
amendment requesting the establishment of positions in excess of
the number authorized by the Legislature and additional
appropriations from the General Revenue Fund or the Working
Capital Fund sufficient to provide for essential staff and other
resources to provide classification, security, food services,
health services, and other variable expenses within the
institutions to accommodate the estimated increase in the inmate
population. All actions taken pursuant to the authority granted
in this subsection shall be subject to review and approval by the
Legislative Budget Commission. This subsection expires July 1,
2005 ~~2004~~.

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Section 11. In order to implement Specific Appropriation 2889C of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, funds in Specific Appropriation 2889C of the 2004-2005 General Appropriations Act may be transferred from the courts to the Justice Administrative Commission in order to address unanticipated shortfalls in due process appropriations in excess of the contingency fund provided in Specific Appropriation 829A of the 2004-2005 General Appropriations Act. This section expires July 1, 2005.

Section 12. In order to implement Specific Appropriation 2321 of the 2004-2005 General Appropriations Act, subsection (4) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.--

(4) The Financial Management Information Board, through the coordinating council, shall provide the necessary planning, implementation, and integration policies, coordination procedures, and reporting processes to facilitate the successful and efficient integration of the central administrative and financial management information systems, including the Florida Accounting Information Resource system (FLAIR), Cash Management System (CMS), and FLAIR/CMS replacement (Aspire) project, the payroll system in the Department of Financial Services, the Legislative Appropriations System/Planning and Budgeting Subsystem (LAS/PBS), the State Purchasing System (SPURS) and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem (COPES) and the PeopleFirst Outsourcing project, and the State Unified Tax system (SUNTAX).

(a) To fulfill this role, the coordinating council shall establish an Enterprise Resource Planning Integration Task Force,

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which shall consist of the coordinating council members plus the Chief Information Officer in the State Technology Office and the Executive Director or designee in the Department of Revenue, who shall serve with voting rights on the task force. The nonvoting ex officio members of the coordinating council shall be nonvoting members of the task force.

(b) The task force shall ~~be established by August 1, 2003, and shall~~ remain in existence until the integration goals have been achieved among the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, or until June 30, 2005, whichever is later. The task force shall ~~hold its initial meeting no later than September 1, 2003, and shall~~ meet at the call of the chair or at least once every 60 days. ~~In its initial meeting,~~ The task force members shall:

1. Adopt a task force charter that identifies major objectives, activities, milestones and deliverables, significant assumptions, and constraints on the task force functions and major stakeholder groups interested in the outcome of the task force.

2. Consider and adopt processes by which information will be collected and business process and technical integration issues will be raised for analysis and recommendation by the task force.

3. Elect a member to serve as vice chair. Any vacancy in the vice chair position shall be filled by similar election within 30 days after the date the vacancy is effective.

(c) The coordinating council shall provide administrative and technical support to the task force as is reasonably necessary for the task force to effectively and timely carry out its duties and responsibilities. The cost of providing such

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support may be paid from funds appropriated for the operation of the council or the (Aspire) ~~FLAIR/CMS Replacement~~ project. The task force also may contract for services to obtain specific expertise to analyze, facilitate, and formulate recommendations to address process and technical integration problems that need to be resolved.

(d) Using information and input from project teams and stakeholders responsible for the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, the responsibilities of the task force shall include, but not be limited to:

1. Identifying and documenting central administrative and financial management policies, procedures, and processes that need to be integrated and recommending steps for implementation.

2. Collecting information from the subsystem owners and project teams and developing and publishing a consolidated list of enterprise resource planning functional and technical integration requirements.

3. Publishing integration plans and timelines based on information collected from task force members.

4. Forming committees, workgroups, and teams as provided in subsection (3).

5. Developing recommendations for the Financial Management Information Board which clearly describe any business or technical problems that need to be addressed, the options for resolving the problem, and the recommended actions.

6. Developing and implementing plans for reporting status of integration efforts.

(e) The task force shall provide recommendations to the Financial Management Information Board for review and approval

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regarding the technical, procedural, policy, and process requirements and changes that are needed to successfully integrate, implement, and realize the benefits of the enterprise resource planning initiatives associated with the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system. ~~The first of these reports should be provided no later than October 3, 2003.~~

(f) The task force shall monitor, review, and evaluate the progress of the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, in implementing the process and technical integration requirements and changes approved by the Financial Management Information Board and in achieving the necessary integration among the central administrative and financial management information systems represented on the task force. The task force shall prepare and submit quarterly reports to the Executive Office of the Governor, the chairs of the Senate Appropriations Committee and the House Appropriations Committee, and the Financial Management Information Board. Each quarterly report shall identify and describe the technical, procedural, policy, and process requirements and changes proposed and adopted by the board and shall describe the status of the implementation of these integration efforts, identify any problems, issues, or risks that require executive-level action, and report actual costs related to the Enterprise Resource Planning Integration Task Force.

(g) By January 15, 2005 ~~2004, and annually thereafter,~~ ~~until it is disbanded,~~ the Enterprise Resource Planning Integration Task Force shall report to the Financial Management Information Board, the Speaker of the House of Representatives,

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and the President of the Senate the results of the task force's monitoring, review, and evaluation of enterprise resource planning integration activities and requirements, and any recommendations for statutory changes to be considered by the Legislature.

(h) This subsection expires July 1, 2005 ~~2004~~.

Section 13. In order to continue implementing Specific Appropriation 1379B of the 2003-2004 General Appropriations Act and notwithstanding any provision of chapter 287 or chapter 337, Florida Statutes, from the funds appropriated to the Department of Agriculture and Consumer Services for the 2003-2004 and 2004-2005 fiscal years for the purpose of constructing an agricultural interdiction station on Interstate 10 in Escambia County, the Department of Agriculture and Consumer Services shall enter into an agreement with the Department of Transportation wherein the Department of Transportation, on behalf of the Department of Agriculture and Consumer Services, shall proceed with the construction of the station under the authority established in chapter 337, Florida Statutes. The Department of Agriculture and Consumer Services shall be authorized to execute all contracts resulting from such Department of Transportation selection of contractors in compliance with chapter 337, Florida Statutes. This section expires July 1, 2005.

Section 14. In order to implement Specific Appropriation 1496 of the 2004-2005 General Appropriations Act, paragraphs (b) and (c) of subsection (1) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.--

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the 2004-2005 ~~2003-2004~~ fiscal year only, the use of the

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Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires on July 1, 2005 ~~2004~~.

(c) Notwithstanding the provisions of paragraph (a), and for the 2004-2005 ~~2003-2004~~ fiscal year only, the Department of Community Affairs shall conduct a review of funds available in the Emergency Management, Preparedness, and Assistance Trust Fund. By December 31, 2004 ~~2003~~, when actual receipts for the 2003-2004 ~~2002-2003~~ fiscal year are determined, the Department of Community Affairs may identify any funds that were unspent or unencumbered in the 2003-2004 ~~2002-2003~~ fiscal year, and such funds may be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for federally approved disaster projects. This paragraph expires July 1, 2005 ~~2004~~.

Section 15. In order to implement Specific Appropriations 2122F and 2122G of the 2004-2005 General Appropriations Act, subsection (13) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.--

(13) PLACEMENTS.--Notwithstanding any other provision of this section to the contrary, and for fiscal year 2004-2005 ~~2003-2004~~ only, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be pursuant to the provisions of this section. This subsection expires July 1, 2005 ~~2004~~.

Section 16. In order to implement Specific Appropriation 2480L of the 2004-2005 General Appropriations Act, paragraph (b)

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of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an

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economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2005 ~~2004~~.

Section 17. In order to implement section 20 of the 2004-2005 General Appropriations Act, subsection (5) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.--

(5) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the provisions of this section and s. 339.09(1), \$100 ~~\$200~~ million may be transferred from the State Transportation Trust Fund to the General Revenue Fund in the 2004-2005 ~~2003-2004~~ General Appropriations Act. Such transfer may be comprised of several smaller transfers made during the 2004- ~~2005~~ ~~2003-2004~~ fiscal year. Notwithstanding ss. 206.46(3) and

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206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2005 ~~2004~~.

Section 18. In order to implement Specific Appropriation 28260 of the 2004-2005 General Appropriations Act, paragraph (f) of subsection (5) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--

(5) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed

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by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.

9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.49(1).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

14. Voter education activities of the Department of State or the supervisors of elections, either individually or in the aggregate or with their respective professional associations.
This subparagraph expires July 1, 2005.

Section 19. In order to implement Specific Appropriation 1993 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

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311.07 Florida seaport transportation and economic development funding.--

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

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9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport security measures. Such measures include:

a. Infrastructure security measures required by seaport security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12, including security gates, physical barriers, and security-related lighting systems, equipment, or facilities to be used for seaport security monitoring and recording, remote surveillance systems, concealed recording systems, or other security infrastructure, technology, vulnerability assessments, or equipment that contributes to the overall security of the seaport and its facilities as specified in the security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12 or as otherwise specifically found by the Department of Law Enforcement to be a measure consistent with and supportive of such an approved plan. Program funds for such measures may come from funds made available under subsection (2) and s. 320.20(3) or (4). Infrastructure measures required by an approved seaport security plan or as otherwise found by the Department of Law Enforcement to be consistent with and supportive of an approved plan as authorized in this sub-subparagraph are not subject to the matching fund requirements of paragraph (a) or s. 320.20(3) or (4).

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b. Law enforcement measures mandated by federal, state, or local governmental agencies, including the deployment of the Florida National Guard, local law enforcement personnel, seaport security personnel, private sector security personnel, or any combination thereof to provide operational security services at any seaport identified in s. 311.09(1). Program funds for such measures may come from funds made available under subsection (2). Law enforcement measures are subject to the matching fund requirements of paragraph (a), except that any funds provided for the Florida National Guard shall remain exempt from the matching fund requirements of paragraph (a) through April 30, 2002.

Notwithstanding s. 339.135(7) or any other provision of law to the contrary, seaports may request that the department change the purpose of a project in the 2000-2001 and 2001-2002 work programs to a purpose authorized under this subparagraph. Additional consideration shall be given to seaports having operating revenues of \$14 million or less for operational security and law enforcement measures for grants not to exceed \$350,000. Any federal funds that are provided for port security infrastructure improvements of which funds seaports in this state are the beneficiaries shall be allocated in a manner consistent with federal requirements and guidelines. Federal funds obtained by a seaport for a specific security infrastructure project, which project has also received state seaport transportation and economic development funds, shall be used to reimburse the state funds received by the seaport under this subparagraph for the specific project. These reimbursement funds must be used for projects and measures authorized under subparagraphs 1.-10. This subparagraph shall expire June 30, 2005 ~~2004~~.

Section 20. In order to implement Specific Appropriation

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2589 of the 2004-2005 General Appropriations Act, effective July 1, 2004, and notwithstanding the provisions of s. 1008.51, Florida Statutes, the budget for the Council for Education Policy Research and Improvement shall be administered by the Auditor General. However, the Council for Education Policy Research and Improvement shall remain independent of the Auditor General for all programmatic purposes, serving as a citizen board for conducting and reviewing education research, providing independent analysis on education progress, and providing independent evaluation of education issues of statewide concern, as prescribed in s. 1008.51, Florida Statutes. All work products of the Council for Education Policy Research and Improvement are advisory in nature. This section expires July 1, 2005.

Section 21. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2004-2005 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2005.

Section 22. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation

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category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2004-2005 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2005.

Section 23. In order to implement section 8 of the 2004-2005 General Appropriations Act, relating to the state contribution for the State Employees Group Health Insurance Plan and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the Salaries and Benefits category of the General Appropriations Act between departments in order to align the budget authority granted in accordance with the redesign of the State Employees Group Health Insurance Program and the realignment necessary based upon state contribution revisions and the results of the open enrollment period. This transfer is not subject to the provisions of s. 216.181, Florida Statutes. This section expires July 1, 2005.

Section 24. In order to implement section 8 of the 2004-2005 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.--For the 2004-2005 ~~2003-2004~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered

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state employees should be fairly, orderly, and equitably funded.
Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136(11), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, 2005 ~~2004~~.

Section 25. In order to implement sections 2 through 7 of the 2004-2005 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per

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diem basis nor shall a traveler receive subsistence allowance.

This paragraph expires July 1, 2005 ~~2004~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the 2004-2005 ~~2003-2004~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2005 ~~2004~~.

Section 26. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2004-2005 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2004-2005 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 27. If any other act passed in 2004 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 28. If any law that is amended by this act was also amended by a law enacted at the 2004 Regular Session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full

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898 effect should be given to each if that is possible.

899 Section 29. If any provision of this act or its application
900 to any person or circumstance is held invalid, the invalidity
901 does not affect other provisions or applications of the act which
902 can be given effect without the invalid provision or application,
903 and to this end the provisions of this act are severable.

904 Section 30. Except as otherwise expressly provided in this
905 act, this act shall take effect July 1, 2004; or, if this act
906 fails to become a law until after that date, it shall take effect
907 upon becoming a law and shall operate retroactively to July 1,
908 2004.